

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STEVEN WEISS,

Plaintiff,

v.

WELTMAN, WEINBERG & REIS CO., L.P.A.

Defendant.

COMPLAINT

No. **07-946**

JURY DEMANDED

Introduction

1. In this action, Plaintiff Steven Weiss seeks redress for Defendant Weltman, Weinberg & Reis Co. L.L.P.'s unfair and deceptive collection activities, committed in violation of the Fair Debt Collection Practices Act, ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

Jurisdiction and Venue

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper in this district under 28 U.S.C. § 1331(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

4. Venue is also proper in this district because Defendant transacts business in this district and the interests of justice require maintenance of this action in this district.

Parties

5. Weiss is a citizen of the State of New York who resides within this district.

6. Weiss is a “consumer,” as that term is defined by § 1692a(3) of the FDCPA, in that the alleged debt Weltman, Weinberg & Reis Co. L.L.P. (“WWR”) sought to collect from him is a consumer credit card debt, allegedly incurred by Weiss for personal or household purposes and purportedly owed to “LVNV Funding, LLC.”

7. WWR is an Ohio law firm with a principal place of business located at 323 West Lakeside Ave, Suite 200, Cleveland, OH 44113.

8. WWR does business in this district by routinely sending correspondence into New York State.

9. WWR is regularly engaged for profit in the collection of debts allegedly owed by consumers.

10. WWR is a “debt collector,” as that term is defined by § 1692a(6) of the FDCPA, and identifies itself as such on its collection correspondence.

COUNT I
Violations of the FDCPA

11. Plaintiff hereby restates, realleges, and incorporates herein by reference paragraphs 1-10 as if set forth fully in this Count.

12. Sometime in or before July 2006, on a date better known by Defendant, WWR attempted to collect an alleged debt from Weiss.

13. WWR sent Weiss a collection letter dated July 7, 2006, seeking to collect a balance allegedly owed to “LVNV Funding, LLC.”

14. The July 7, 2006 letter was Plaintiff’s initial communication from WWR.

15. Although the letter was dated July 7, 2006, the envelope in which it was sent was postmarked July 19, 2006.

16. Weiss received the letter sometime after July 19, 2006.
17. On or about August 4, 2006, after receiving WWR's collection letter, Weiss sent a letter to WWR, disputing the debt and requesting verification of the alleged debt.
18. Weiss sent his August 4, 2006 letter by certified mail, return receipt requested, and sent an additional copy by regular first class mail.
19. WWR received Weiss's August 4, 2006 dispute letter well within the thirty-day dispute period set forth in FDCPA § 1692g.
20. Instead of providing verification, WWR sent Weiss another debt collection letter, this one dated November 22, 2006.
21. The November 22, 2006 letter violates FDCPA § 1692g because the November 22nd letter continues collection activities without first providing validation.

WHEREFORE, Plaintiff Steven Weiss respectfully requests that this Court grant the following relief in her favor and against Creditors Interchange as follows:

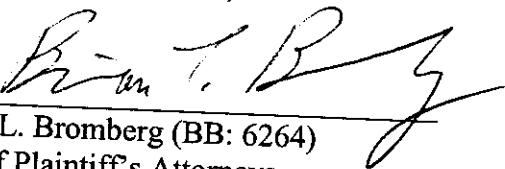
- (A) Statutory damages as provided by FDCPA § 1692k;
- (B) Declaratory relief in the form of a court order stating that the above actions violated the FDCPA;
- (C) Attorneys' fees, litigation expenses, and costs; and
- (D) Any other relief that this Court deems appropriate under the circumstances.

Jury Demand

Plaintiff respectfully requests a trial by jury.

Dated: New York, New York
March 6, 2007

Respectfully Submitted,

By: 
Brian L. Bromberg (BB: 6264)
One of Plaintiff's Attorneys

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